IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

LA.App..No. 712 of 2005()

LAR.163/2002 of PRL.SUB COURT,KOTTAYAM

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APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.L.G.SURESH BABU

RESPONDENTS: CLAIMANTS/RESPONDENT:

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1. ANNAMMA JOSEPH, APPAMATTATHIL HOUSE,
   KATTAMPAK KARA, REPRESENTED BY CYRIAC,
   S/O. JOSEPH, APPORMATTATHIL (CHAKKITTANIRAPPEL)
   KATTAMPAKKU KARA, NJEEZHOOR VILLAGE,
   KOTTAYAM.

2. MATHEW, S/O. JOSEPH,
   APPORMATTATHIL (CHAKKITTANIRAPPEL)
   KATTAMPAKKU KARA, NJEEZHOOR VILLAGE
   KOTTAYAM.

3. CHINNAMMA D/O. JOSEPH, NJEEZHOOR
   APPORMATTATHIL (CHAKKITTANIRAPPEL),
   LATTAMPAKKU KARA, NJEEZHOOR VILLAGE,
   KOTTAYAM.

4. LEELAMMA, D/O. JOSEPH,
   APPORMATTATHIL (CHAKKITTANIRAPPEL)
   LATTMPAKKU KARA, NJEEZHOOR VILLAGE,
   KOTTAYAM.

BY

THIS LAND ACQUISITION APPEAL HAVING COME FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T.SANKARAN, J

L.A.A.No. 712 of 2005

Dated this the 19th day of December, 2006

JUDGMENT

An extent of 3.11 Ares of land comprised in survey No. 505/9-5-1 of Njeezhoor Village in Vaikom Taluk was acquired for the purpose of formation of Kuruvilangadu Major Distributory. Notification under Section 4(1) of the Land Acquisition Act was published on 30.3.1999. Award was passed on 22.4.2002. The land value was fixed at the rate of Rs.2,069/- per Are. On 4.5.2002, the land was taken possession of. Dissatisfied with the award, an application was filed by the claimant for reference. Accordingly, the matter was referred to the Reference Court. The Reference Court enhanced the land value at Rs. 2,069/- per Are which is under challenge in this Land Acquisition Appeal.

2. The Reference court held that the land acquired is a dry land at present, the land having been reclaimed. Originally the land was a wet land. The land value was fixed by the Land Acquisition Officer on the basis of the value of the basis land, which is a wet land. There are seven arecanut trees and one Anjili tree in the acquired land. Ext. A1 document was

considered by the court below where the value per cent of the land was shown as Rs.9,756/-. It was held that Ext. A1 property is on the side of PWD road, while the acquired property has no road frontage. It was noticed by the court below that the Land Acquisition Officer fixed the land value for the acquired land at Rs.4,138/- per Are. But the District Collector reduced the amount to Rs.2,069/- per Are. It was found by the court below that there was no justification for such reduction in value. Enhancement was granted at the rate of Rs.2,069/- per Are which together with the original award would make the land value at Rs.4,138/- which was the value originally suggested by the Land Acquisition Officer. The court below has considered all the aspects of the matter and the oral and documentary evidence in the case. It cannot be said that the land value fixed by the court below is excessive. No grounds are made out for interference in the Land Acquisition Appeal.

Accordingly, the LAA is dismissed.

K.T.SANKARAN,
JUDGE

csl